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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,806	06/21/2000	Scott L. Ruthfield	MS1-557US	8049

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EXAMINER

SAX, STEVEN PAUL

ART UNIT PAPER NUMBER

2174

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/599806

Applicant(s)

Ruthfield et al

Examiner

Sax

Group Art Unit

2174

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-84 is/are pending in the application.
- Of the above claim(s) 69-84 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-68 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-68, drawn to a system for navigating contexts within a user interface, classified in class 345, subclass 854.
  - II. Claims 69-84, drawn to a system for searching and ranking favorites in a database, classified in class 707, subclass 10.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as searching and ranking favorites in a database, regardless of how context is navigated in a user interface. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Mr. Lance Sadler on 2/25/03 a provisional election was made with traverse to prosecute the invention of I, claims 1-68. Affirmation of this election must be made by applicant in replying to this Office action. Claims 69-84 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-~~69~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasquali et al (6434563) and Lefkowitz (6091417).

10. Regarding claim 1, Pasquali et al show displaying in a display area of a user interface a first contextual display associated with a first context enabling a user to accomplish one or more tasks (Figure 2, column 5 lines 50-65, column 9 lines 3-15 and 54-67). This is accomplished by a single application program configured to provide multiple different contexts (column 9 lines 45-65, column 10 lines 20-35). Quick links are presented by the application program to one or more contexts different from the current context providing functionality to accomplish different tasks than that of the first contextual display (column 10 lines 10-35). Pasquali et al do not specifically say that the first context is not changed, but do mention efficient management of display of the contexts to the user. Furthermore, Lefkowitz shows a display area in which different links are provided to different contexts, in which a first contextual area remains unchanged (column 3 lines 18-26). This is done for efficient management of display of the contexts to the user. It would have been obvious to a person with ordinary skill in the art to have the first context remain unchanged, because it would allow a convenient way for efficient management of display of the contexts to the user.

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11. Regarding claim 2, the functionality is web page related and thus document centric (Pasquali et al column 10 lines 40-45).
12. Regarding claim 3, the functionalities are different (Pasquali et al column 10 lines 40-45).
13. Regarding claim 4, the links in Lefkowitz have indicia (Figures 1 and 2)
14. Regarding claim 5, the application program navigates a single window between different contexts responsive to link selection (Pasquali et al Figure 2 is encompassed by the same window).
15. Regarding claim 10, the user is presented with different algorithms providing a different collection of links for selection (Pasquali et al column 9 lines 14-40).
16. Regarding claim 14, the algorithms are employable across different content types (Pasquali et al column 9 lines 14-40).
17. Claims 15-68 show the same features as above and are rejected for the same reasons.

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18. Any inquiry concerning this communication should be directed to Steve Sax at telephone number (703) 305-9582.

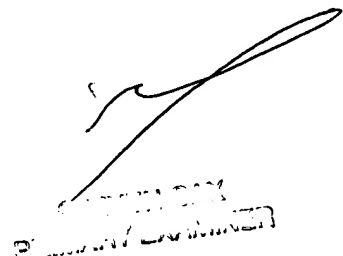
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Sax whose telephone number is (703) 305-9582. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238	After Final Communication
(703) 746-7239	Official Communication
(703) 746-7420	For Status Inquiries, draft communication

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink is written over a rectangular stamp. The signature is stylized and appears to be "Steve Sax". The stamp contains the text "STEVE SAX" and "703-305-9582" in a bold, sans-serif font.